

Appl. No. 10/715,301  
Amdt. dated October 27, 2006  
Reply to Office Action of July 27, 2006  
Attorney Docket 17440

# **REMARKS/ARGUMENTS**

Claims 1-11 are currently pending for examination. Claims 1 and 10 are currently amended. Claim 11 has been added of this amendment. Basis for Claim 11 can be found in previously submitted Claim 1 and the specification as originally submitted. No new matter has been added.

## **Rejection of Claims 1, 2, 6-8 and 10 under 35 U.S.C. 103(a)**

Claims 1, 2, 6-8 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Paggi et al. (USPN 6,273,203) in view of Furihata et al. (USPN 5,623,410).

Applicant respectfully submits that to establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations (See MPEP §2143).

The Examiner noted in that the previously presented version of Claim 1 required only a single pumping element and also that "Applicant has not claimed the pairs to be arranged in closed circuit so as to overcome the arrangement of Furihata et al." Presently amended Claim 1 now claims, in-part, "a support system which comprises two pairs of hydraulic actuators....wherein each pair of hydraulic actuators is connected in closed circuit to a respective common pumping element in such a manner that whenever the volume of hydraulic fluid in one of the actuators in a pair is reduced, the volume of hydraulic fluid in the other actuator of the same pair is correspondingly increased."

It is respectfully submitted that the Office Action does not meet the criteria for establishing a *prima facie* case of obviousness as the applied references fail to teach or suggest all of the claim limitations. At minimum, neither of the references cited by the Examiner teaches "each pair of hydraulic actuators is connected in closed circuit to a respective common pumping element" as is presently claimed in Claim 1, but instead only teach actuators interconnected not just in closed circuit pairs. As such, Claim 1 should be allowed over the cited art. Presently rejected Claims 2 and 6-8 depend from Claim 1 and should be allowed over the cited art for at least the same reason as Claim 1. Withdrawal of

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the rejection is respectfully requested.

With respect to the rejection of Claim 10, Claim 10 presently claims, in-part, "a first pair of hydraulic actuators fluidly coupled in closed circuit; a second pair of hydraulic actuators fluidly coupled in closed circuit" which similarly as discussed above, is not taught or suggested by either of the cited references. As such, Claim 10 is believed to be allowable over the cited art for at least this reason. Withdrawal of the rejection is respectfully requested.

**Rejection of Claim 5 under 35 U.S.C. 103(a)**

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unparentable over Paggi et al. (USPN 6,273,203) in view of Furihata et al. (USPN 5,623,410) and further in view of Karnopp et al. (USPN 5,116,077).

Claim 5 depends from Claim 1 which is believed to be allowable over the cited references of Paggi and Furihata for at least the reasons discussed above. The additional reference of Karnopp is cited solely for teaching "an actuator comprising a hydro-pneumatic unit that additionally acts as a spring and damper" which does not account for the limitations claimed in Claim 1 that are not taught by the other cited references. For at least these reasons Claim 5, like Claim 1 is believed to be allowable over the cited art. Withdrawal of the rejection is respectfully requested.

**Rejection of Claim 9 under 35 U.S.C. 103(a)**

Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Paggi et al. (USPN 6,273,203) in view of Furihata et al. (USPN 5,623,410) and further in view of Catanzarite et al. (USPN 6,070,681).

Claim 9 depends from Claim 1 which is believed to be allowable over the cited references of Paggi and Furihata for at least the reasons discussed above. The additional reference of Catanzarite is cited solely for teaching "a cab suspension having a controller that uses a sensor that further has a low pass filter for filtering the signal" which does not account for the limitations claimed in Claim 1 that are not taught by the other cited references. For at least these reasons Claim 9, like Claim 1 is believed to be allowable over the cited art. Withdrawal of the rejection is respectfully requested.

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**Allowable subject matter**

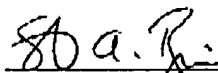
Applicant gratefully acknowledges the Examiner's indication that Claims 3 and 4 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3 and 4 depends from Claim 1 which as discussed above is believed to be allowable as presented over the cited art. As such, Claims 3 and 4 have not been amended.

All the claims are now believed to be in condition for allowance, early notification of which is greatly appreciated. The Examiner is invited to call the undersigned if an interview would advance the prosecution of the case.

No fee is believed to be due, however if any fee is determined to be due, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-0780.

Applicants' undersigned attorney may be reached at the phone and fax numbers listed below.

Respectfully submitted,



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